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TO: Robert P. Olszewski

FROM: John R. Carr

COMPANY: USPTO

COMPANY: Carr & Associates

FAX NO: (703) 872-9306

FAX NO: (310) 300-8401

PHONE: (703) 308-5183

PHONE: (310) 300-8470

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CARR & ASSOCIATES

9595 Wilshire Blvd., Ste. 900
Beverly Hills, CA 90212
(310) 300-8470

EMAIL ADDRESS
jrcarr@validpatents.com

WRITER'S DIRECT LINE
(310) 300-8470

CLIENT/MATTER
999100-0101

October 20, 2004

Mr. Robert P. Olszewski
Supervisor
Art Group 3627
United States Patent & Trademark Office
Fax: (703) 872-9306

Re: Patent Application
U.S. Patent App. No. 09/628,569

Dear Robert,

I am writing this letter to express my concern once again over the slip shod manner in which the above referenced patent application has been handled. In early August of this year, I received an office action from Examiner Andrew Rudy in the above referenced matter. On or about October 4, 2004, I telephoned Mr. Rudy to set up an Examiner interview in order to discuss, in detail, the substance of the rejection.

We agreed to conduct a telephonic interview over two weeks later, on October 19, 2004. At this time, I stressed to Examiner Rudy that I would greatly appreciate it if he could be prepared to discuss the claim language and the substance of the office action in detail and he assured me this would happen. I emphasized that a meaningful and productive interview could only be had if he was prepared.

Over two weeks later, when I telephoned on the date of the interview, it became readily apparent that Mr. Rudy did not, in fact, have the actual physical office action in front of him and was not prepared to discuss the matter in detail. He attempted to retain the information at the last minute from the computer database; but, apparently a system problem at the PTO made this impossible.

Now, I am unaware of PTO inter-office procedure; but, I would have assumed that knowing an interview was scheduled and having had over two weeks during which to prepare for such interview, Examiner Rudy would have retrieved the actual physical file and or the actual official action several days before the interview and would have reviewed the claims and the official action in detail, in order to be prepared to conduct a professional interview. It is beyond comprehension as to why an Examiner would wait until the day of the interview to attempt to re-familiarize him/herself with the claims and status of the case. Apparently, it is not office procedure to be prepared in advance and I am extremely baffled and dumbfounded as to why this type of inaction is allowed to exist at the PTO.

BOB OLSZEWSKI LTR
PTO - ART GROUP 3627
October 20, 2004
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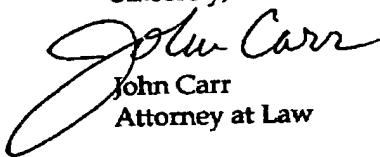
My clients pay a significant fee for my services as well as significant fees to the PTO. We assume that the PTO and its employees are more than capable of handling matters in a prepared and professional manner and when an examiner is unprepared for an interview it adds unnecessary delay, frustration and expense.

To aggravate matters, I offered to postpone our interview until the following day, November 20, 2004 in order to allow Examiner Rudy time to retrieve the actual physical file and review the official action so that he could be prepared to discuss the matter in a professional and meaningful way. We agreed to reschedule for noon on Wednesday, November 20, 2004.

When I telephoned Mr. Rudy at his office at the time of our rescheduled interview, he did not answer. In fact, I was unable to reach him for over an hour; thereby further delaying our interview. Even more egregious, he was once again unprepared and unable to discuss the matter because he had been unable to retrieve the file electronically. Again, I am baffled as to why the physical file is unavailable and was not retrieved. Moreover, the official action was prepared by Examiner Rudy so I question as to how or why he would not have a copy of the action available on his hard drive. I requested that Mr. Rudy call me back later in the day and update me as to his efforts to retrieve the file. Unfortunately, no such call was ever received.

In any event, I have been more than patient on this issue and I must insist that you intervene. I must discuss the official action with Examiner Rudy in detail within the next three business days and I would appreciate it if he would be prepared to do so within this time frame. If the official action and the claims are unavailable or have been lost, then I am more than happy to fax a copy to your office in order to expedite this matter; but, I must insist that something be done to ensure that this interview is not further delayed as an official response is due within two weeks and any further delay will result in unnecessary time and expense to my clients through no fault of their own.

Sincerely,


John Carr
Attorney at Law